

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

Sysco Columbia, LLC

and

**International Brotherhood of Teamsters,
Local Union 509**

**Case No. 10-CA-197586
10-CA-197588
10-CA-203636
10-CA-210623**

APPLICATION TO OBTAIN TESTIMONY BY VIDEOCONFERENCE

Respondent, Sysco Columbia, LLC, pursuant to Section 102.35(c) of the Board's Rules and Regulations, petitions the Administrative Law Judge to allow Respondent to obtain testimony of a necessary witness by videoconference.

Section 102.35(c) requires that a party seeking to obtain video conference testimony,

Set forth the compelling circumstances for such testimony, the witness's name and address, the location where the video testimony will be held, the matter concerning which the witness is expected to testify, the transmission safeguards, and the electronic address from which the video testimony will be transmitted.

Respondent proposes obtaining the testimony of Sysco Columbia driver, Todd Shanning, by video conference on a date agreeable to the parties and the Administrative Law Judge, between May 28 and June 1, 2018. Mr. Shanning was available to testify at the hearing as originally scheduled the week of March 12, 2018 but the week of May 21, Mr. Shanning will be in Syracuse, New York on a long-scheduled family trip. Respondent proposes that Mr. Shanning testify from Ogletree Deakins' Columbia, SC office, located at First Base Building, 2142 Boyce Street, Suite 401, Columbia, SC 29201. This office is equipped with the audio/visual equipment necessary to transmit Mr. Shanning's testimony via Skype for Business. The equipment is sufficient to satisfy

the safeguards outlined in *EF International Language Schools*, 363 NLRB No. 20 (2015). The parties are welcome to have a representative present for the testimony if they wish. Mr. Shanning's address is 5 Ashwood Ct. Pooler, GA 31322. Respondent will provide the parties with copies of any exhibits Respondent intends to use during the examination, before the examination begins. Respondent expects Mr. Shanning to testify regarding employee meetings he attended during the union campaign at issue. Respondent will test the equipment ahead of the examination and will have a technician on hand to immediately address any technical difficulties, should they arise.

Based on the above, Respondent requests permission to obtain Mr. Shanning's testimony by video conference on a date agreeable to the parties and the Administrative Law Judge between May 28 and June 1, 2018.

Dated this 20th day of May, 2018.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

A handwritten signature in cursive script, appearing to read "Mark M. Stubley".

Mark M. Stubley
Attorney for Sysco Columbia, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Respondent's Application to Obtain Testimony by Videoconference has been served via email on the following on the date below by Sysco Columbia, LLC:

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Dated this 20th day of May, 2018.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



Andrew D. Frederick
Attorney for Sysco Columbia, LLC

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